

REGULAR SESSION OF THE VILLAGE BOARD OF TRUSTEES HELD ON  
SEPTEMBER 10, 2013 AT 7:00 P.M. AT THE DEPOSIT THEATER

PRESENT: Mayor O'Connor, Trustees Mott, O'Connell, and Hathaway, CT Decker,  
DCT Budine, Fire Chief Rynearson, Asst Fire Chief Zacharias, EMS Captain Couse,  
Police Chief Cantwell, DPW Hubbard, Mike Musante, Ann Schambach, Mary O'Connell,  
Caitlyn Stevens the Walton reporter, Debbie Stever, Lynn O'Connor, Colleen O'Connor,  
Nate Tuttle, Jim Conklin, and Dog Control Officer Brian Moore

ABSENT: Trustee Strauss

The Mayor opened the meeting with the Pledge of Allegiance at 7:00 p.m.

MOTION#191/12-13

A motion was made by Trustee Mott seconded by Trustee O'Connell to waive the  
reading of the August 13 Regular minutes, the August 21 Oversight minutes and the  
August 27 Work Session minutes. The motion carried unanimously.

MOTION#192/12-13

A motion was made by Trustee Mott seconded by Trustee O'Connell to accept for filing  
the August 13 Regular minutes, the August 21 Oversight minutes and the August 27  
Work Session minutes. The motion carried unanimously.

MOTION#193/12-13

A motion was made by Trustee O'Connell seconded by Trustee Hathaway to accept for  
filing the monthly Police Report as submitted. The motion carried unanimously.

MOTION#194/12-13

A motion was made by Trustee O'Connell seconded by Trustee Mott to accept for filing  
the monthly EMS Report as submitted. The motion carried unanimously.

MOTION#195/12-13

A motion was made by Trustee Mott seconded by Trustee Hathaway to accept for filing  
the monthly Treasurer's Report as submitted. The motion carried unanimously.

There was no Fire Dept Report.

OLD BUISNESS

STREETS

No old business

WATER

No old business

SEWER

No old business

BUILDINGS

No old business

FIRE DEPARTMENT

No old business

EMERGENCY SQUAD

No old business

POLICE DEPARTMENT

No old business

PRESIDENT

No old business

TRUSTEES

No old business

FINANCE

No old business

NEW BUSINESS

WATER

No new business

SEWER

No new business

EMERGENCY SQUAD

No new business

POLICE DEPARTMENT

No new business

FIRE DEPARTMENT

MOTION#196/12-13

A motion was made by Trustee Mott seconded by Trustee O'Connell to approve the purchase of a 2008 Kubota from a private person for \$10,000 to be paid half from Fire Dept and half from EMS Reserve. The motion carried unanimously.

There was much discussion on future expenditures for equipment such a skid units and other Fire and EMS apparatus costing up to \$4000 - \$6000 depending on what is purchased. The Kubota as purchased has a light bar and radio capabilities now and can be put into service immediately.

STREETS

DPW Hubbard stated that the DPW had completed 99 work orders and 32 at the OLWWTP last month. Both Waste Water Treatment plants were inspected recently and the DEC was very happy with both plants. A report is forthcoming. The Village DPW helped the TOD chip brush at Crystal Lake. DPW assistance to Aqualogics for our Scada System is ongoing as part of our CDBG Project.

Hubbard talked of the cinder spreader that needs to be replaced. It's in bad shape and was in bad shape last year. He would like to put a new one on the 1999 International Dump with quotes including hydraulic pump; stainless steel spreader with tip screens and installation as follows:

Waynes Welding: \$19,467

Trucks Outfitters \$13,379

Binghamton Truck Body was asked for a bid but we did not receive one.

MOTION#197/12-13

A motion was made by Trustee Mott seconded by Trustee Hathaway to authorize the purchase of a cinder spreader as outlined above from Trucks Outfitters for \$13379.00 to be paid from A5110.49 (\$10,012.87) and A5142.2 (\$3366.13) with the stipulation when the CHIPS money is received it will pay back A5142.2. The motion carried unanimously.

BUILDINGS

Hubbard informed the board that he is keeping track of the fire hall ceiling and it continues to look good. Further he has received quotes on the Village Hall repairs to the bricks as follows: Madugno Masonry at \$7442; and Gary deGraw at \$8,500. The specs were for a percentage of the bricks to be re-pointed on the movie theater side and a bigger percentage of the bricks on the back of the building to be repaired.

Hubbard stated he wanted to pay for this project with fund balance from water sewer and general funds. Trustee Hathaway asked that this quote be tabled to allow him time to compare specs and look at the building closer. The project was tabled until the work

session. Trustee Mott stated that the project was imperative as water actually comes in the courtroom.

Hubbard informed the board that he had ordered the parts for the spiral screen at the WWTP. He had asked Vacri Construction and Koester Assoc. to look at the spiral screen and advise on fixing. Koester Assoc work only on WWTP and are experts. They felt they could put the spiral screen back in correctly to eliminate the ongoing problems. The board instructed Hubbard to get hourly quotes for labor from Vacri and Koester.

The following resolution was adopted after a brief discussion of the Delaware County Hazard Mitigation Plan. The Plan has been adopted by the County and now needs to be adopted by the Village: Motion by Trustee O'Connell seconded by Trustee Hathaway to adopt the Delaware County Multi-Jurisdictional All-Hazards Mitigation Plan as follows:

**RESOLUTION**  
**ADOPTION OF THE DELAWARE COUNTY MULTI-JURISDICTIONAL ALL-  
HAZARDS MITIGATION PLAN UPDATE**

**WHEREAS**, Delaware County, with the assistance of Tetra Tech, Inc., has gathered information and prepared the Delaware County Multi-Jurisdictional All-Hazards Mitigation Plan; and

**WHEREAS**, the Delaware County Board of Supervisors determined in Resolution 107 of 2003 that a multi-jurisdictional All-Hazards Mitigation Plan representing all the towns and villages in Delaware County would be more efficient to produce than each community drafting and adopting its own; and

**WHEREAS**, the Delaware County Multi-Jurisdictional All-Hazards Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

**WHEREAS**, Delaware County is a local unit of government that has afforded the citizens an opportunity to comment and provide input on the Plan and the actions in the Plan; and

**WHEREAS**, Delaware County and the Village of Deposit have reviewed the Plan and affirm that the Plan will be updated no less than every five years;

**NOW THEREFORE, BE IT RESOLVED** by the Village of Deposit Board of Trustees that the Village of Deposit adopts the Delaware County Multi-Jurisdictional All-Hazards Mitigation Plan, and resolves to execute the actions in the Plan.

Trustee Mott: Aye

Trustee Strauss Absent

Trustee Hathaway: Aye

Trustee O'Connell Aye

Mayor John O'Connor Aye

DATED: September 10, 2013

The motion carried unanimously.

**PRESIDENT**

Mayor O'Connor wanted the Board to know that he had received a phone call asking for support on Mayor's Against Guns. O'Connor proceeded to explain his position on guns and the new Safe Act. The advocate for Mayor's against Guns hung up on our Mayor.

Mayor O'Connor briefly explained the resolution to the Dog Control Officer responding in the Village limits. The DCO by NYS Ag and Market Law has to respond to any dog complaint within the Village. Tickets for those village complaints will go through the village court system and fines accrued will stay in the village coffers. DCO Moore stated the Village always had his services and would continue to have his services. Moore did discuss briefly changing the Village's local law on barking dogs to more meet his assessment of barking dog situations. The Mayor said to get with the C/T to begin the amendment process.

Mayor John O'Connor gave a brief history of the RR Parking lot on upper Front St. The RR had consented to a ten year lease for a \$1.00 per year with some conditions. The RR requires that we put up some sort of barrier at least 15 feet from the tracks. The Village obtained a quote of \$800 for galvanized sheeting fence from Hinman Mills. The Chamber was asked to contribute to the cost of the fencing. While Melissa Bishop stated she felt there was some lack of communication between the Village and the Chamber, the Chamber was not inclined to offer the funds. The Mayor felt we should just move forward.

#### MOTION#198/12-13

A motion was made by Trustee Hathaway seconded by Trustee O'Connell to purchase and construct 450 feet of galvanized sheeting fence as requested by the RR at a cost of approximately \$800. The Mayor tasked Hubbard with finding the money in the budget. The motion carried unanimously.

Next, Mayor O'Connor stated that a decision needs to be made on the franchise fees from Adams Cable. CT Decker stated that three people had given her comments after the official public hearing and that the comments of Melissa Bishop, Pam Cancato and Chuck Proffitt would be included in the minutes. Further John O'Connor asked the board if they were in favor of the franchise fees or not. Trustees Strauss, Hathaway and O'Connell were not in favor of the fee. Trustee Mott felt we needed the revenue and should impose the fee. The Mayor stated he was with the majority and was not in favor.

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**STATE OF NEW YORK**  
**Village of Deposit**  
**Counties of Broome and Delaware**

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In the Matter of the Cable Television Franchise Held by **ADAMS CATV, INC.**, in the Village of Deposit, Broome and Delaware Counties, New York

#### **RESOLUTION**

An application has been made to the Board of Trustees of the Village of Deposit, located in the Counties of Broome and Delaware, New York, by **ADAMS CATV, INC. ("Adams")**, a Pennsylvania business corporation having its principal place of business at 19 North Main Street, Carbondale, Pennsylvania 18407, for the approval of a franchise agreement for Adams' cable television franchise for seven (7) years, commencing on October 1, 2013, or upon the issuance by the New York State Public Service Commission of a certificate of confirmation of the franchise agreement, whichever is later (the "Franchise Agreement"). The Franchise Agreement will bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held at the Village of Deposit, New York on Tuesday, August 27, 2013 at 7 pm and notice of the hearing was published in the Deposit Courier on August 21, 2013.

**NOW, THEREFORE**, the Board of Trustees of the Village of Deposit finds as follows:

1. Adams has substantially complied with the applicable laws; and
2. The quality of the Adams' service, including signal quality, response to customer complaints and billing practices, as required by the Franchise Agreement, will be responsive to community needs; and

3. Adams has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in the Franchise Agreement; and
4. Adams can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

**BE IT FURTHER RESOLVED** that the Board of Trustees of the Village of Deposit hereby approves the cable television franchise of Adams in the Village of Deposit for seven (7) years, commencing on October 1, 2013, or upon the issuance by the New York State Public Service Commission of a certificate of confirmation of the Franchise Agreement, whichever is later, and expiring seven (7) years thereafter.

**BE IT FURTHER RESOLVED**, that the Board of Trustees has determined that the authorization of the Franchise Agreement does not constitute an "action" as defined in the New York State Environmental Quality Review Act ("SEQRA") regulations at 6 NYCRR §617.2(b) and therefore no further environmental review is necessary.

**BE IT FURTHER RESOLVED**, that the Mayor of the Village of Deposit is hereby authorized to execute the Franchise Agreement on behalf of the Village, together with any other documents necessary to effectuate the Franchise Agreement.

Motion made by Trustee O'Connell and seconded by Trustee Hathaway.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Trustee Hathaway voted	Aye
Trustee Mott voted	Aye
Trustee O'Connell voted	Aye
Trustee Strauss voted	Absent
Mayor O'Connor voted	Aye

The foregoing motion was approved by a vote of 4 to 1 and was thereby declared adopted.

Dated: September 10, 2013.

## FINANCE

### MOTION#199/12-13

A motion was made by Trustee Hathaway seconded by Trustee O'Connell to authorize the Mayor's signature on the Abstract of Audited Vouchers as follows:

General Fund:	\$27,084.99
Water Fund:	\$ 6,140.00
Sewer Fund:	\$ 4,309.93
T&A:	\$ 3,457.69

The motion carried unanimously.

### MOTION#200/12-13

A motion was made by Trustee Mott seconded by Trustee Hathaway to authorize the Mayor's signature on the CDBG Wheeler St. Water Main Project in the amount of \$31,382.78 to Simpson Construction. The motion carried unanimously.

MOTION#201/12-13

A motion was made by Trustee Mott seconded by Trustee Hathaway to authorize General Fund Fund Balance in the amount of \$1641.06, Water fund fund balance in the amount of \$ 750.00 and sewer fund fund balance in the amount of \$750.00 for a total of \$ 3,141.06 for a CER invoice. This invoice pays for hardware and software and a block of hours. The motion carried unanimously.

MOTION#202/12-13

A motion was made by Trustee Hathaway seconded by Trustee O'Connell to authorize water fund fund balance in the amount of \$ 750.80 and general fund balance in the amount of \$ 1126.20 to be paid to paid to Shumaker Engineers. The motion carried unanimously.

GUESTS

Melissa Bishop informed the board that she had passed out a press release from the Eagle River Valley committee informing of the latest endeavors. She had also passed out a clambake invitation on September 27, 2013 at 6 p.m. at the Golden Oak Golf Course in Windsor. She encouraged the elected officials to attend.

MOTION#203/12-13

A motion was made by Trustee Hathaway seconded by Trustee Mott to enter into executive session to discuss specific personnel. The motion carried unanimously.

MOTION#204/12-13

A motion was made by Trustee Hathaway seconded by Trustee O'Connell to come out of executive session. The motion carried unanimously.

MOTION#205/12-13

A motion was made by Trustee Hathaway seconded by Trustee O'Connell to adjourn the meeting at 8:30 p.m.

Respectfully Submitted